IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1288 of 2003

DATED: 03.03.2006

Between:

Arla Venkat Rao petitioner

And

The Government of A.P.,

Rep by its Secretary (Education),

Secretariat buildings, Saifabad, Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 1288 OF 2003

ORAL ORDER:

The present writ petition is filed questioning the proceedings Rc.No.1990/Adm.III.1/2001 dated 23.07.2001 rejecting the request of the petitioner for regularization of his services as Lecturer in Chemistry.

The petitioner claims that he was engaged as a part time lecturer in Chemistry in the 4th respondent college on 02.11.1982 and continuously working on consolidated

salary of Rs.1450/- per month. The continuation of the petitioner in the said post is pursuant to directions passed in W.P. No. 3712 of 1986 dated 28.03.1989 filed by the petitioner and others. The petitioner made a representation dated 14.12.2001 requesting the authorities to absorb him as Lecturer in Chemistry department. The 3rd respondent by impugned proceedings rejected the said request of the petitioner for absorption and regularization. Hence, the present writ petition.

This Court while admitting the writ petition by order dated 23.1.2003 directed the respondents to continue the petitioner, if he is in service as on the date of order.

A counter affidavit was filed on behalf of respondent Nos. 1 and 2 denying the averments made in the writ petition and stating that the petitioner was appointed without following the procedure prescribed by the Government and the Rule of Reservation and the proposals sent by the 4th respondent college for regularization of his services in terms of G.O.Ms.No.328 dated 15.10.1997 were rejected vide proceedings Rc.No.312/PC.1-4/98-1 dated 27.1.1998 on the ground that petitioner is not eligible for regularization and did not fulfill the conditions prescribed in G.O.Ms.No.328 dated 15.10.1997. It is also stated that the Social Welfare Department has identified total backlog vacancies in the college and earmarked the two vacant posts of lecturer in chemistry as backlog Schedule Caste vacancies as on 1.5.2002. It is specifically contended that though there is no workload, the petitioner is being continued in obedience to the interim orders of this Court dated 23.01.2003.

The 4th respondent filed a counter affidavit admitting engagement of the petitioner as Part Time lecturer and stating that the relief sought in the present writ petition could not have been granted earlier inasmuch as there was no sufficient work load and the three sanctioned posts were occupied by regular lecturers. It is further stated that at present there are only two lecturers in chemistry in the 4th respondent i.e., one regular lecturer viz., Mr. A.Rangaiah and the petitioner who is being paid a consolidated salary of Rs.4,000/-. It is also stated that petitioner is working for the last 23 years and his case may be considered for regularization.

Though several contentions were raised in the present writ petition, when the matter is taken up, learned counsel for petitioner submitted that since the petitioner has been continuously working on consolidated salary for the last about 23 years in the

fond hope that his services would be regularised, the writ petition may be disposed of directing the respondents to consider his case for regularization in accordance with law.

Heard the learned counsel for petitioner, learned Government Pleader for Education and learned counsel for 4th respondent college. All the counsel agreed for disposal of the writ petition with a direction to the respondents to consider the case of the petitioner in accordance with law.

Having regard to the agreed stand taken by the respective counsel appearing for parties, the writ petition is disposed of directing the respondents to consider the case of the petitioner for regularization and pass appropriate orders in accordance with the circular guidelines as on today and in accordance with law.

Subject to above direction, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

03.03.2006

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